



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

DEC 09 2016

Ms. Renee Welsh
Pratt & Whitney Senior Director-Facilities Operations & Engineering
400 Aircraft Road
Middletown, Connecticut 06457-5733

Re: PCB Risk-Based Disposal Approval under 40 CFR § 761.61 (c)
Pratt & Whitney Middletown Property
Former Building 270
Middletown, Connecticut

Dear Ms. Welsh:

This is in response to the United Technologies Corporation ("UTC") Notification¹ to address PCB contamination identified at former Building 270 ("the Site") on the Pratt & Whitney Facility located on Aircraft Road in Middletown, Connecticut. The Site contains PCB-contaminated soil and concrete at concentrations that exceed the allowable PCB levels for unrestricted use under 40 CFR § 761.61(a).

In its Notification, UTC has proposed the following PCB risk-based plan:

- Remove *PCB remediation waste* less than (" $<$ ") 50 parts per million ("ppm") (i.e., top 2 feet of soil to be removed to construct the Engineered Control Variance ("ECV") in the northern portion of the Site) and dispose in accordance with 40 CFR § 761.61(a)(5)(v)(A)
- With exception of the top 2 feet of soil to be removed to the construct the ECV cap, leave/dispose of in-place PCB-contaminated soil and concrete with greater than (" $>$ ") 1 ppm but $<$ 50 ppm

¹ Information was submitted by Loureiro on behalf of the United Technologies Corporation to satisfy the notification requirement under 40 CFR § 761.61(a)(3). Information was provided dated April 2016 (PCB Remedial Action Work Plan for Approval under 40 CFR § 761.61(c)); August 4, 2016 (Response to EPA Comments dated May 23, 2016); August 26, 2016 (Response to EPA Comments dated August 18, 2016); and, December 1, 2016 (email response to EPA comments dated December 2, 2016). These submittals will be referred to as the "Notification."

- Record a deed restriction in the form of an environmental land use restriction (“ELUR”) to document PCB concentrations at the Site, to establish use restrictions as a *low occupancy area* as defined under 40 CFR § 761.3, to require maintenance of the ECV and concrete caps, and to detail necessary actions if future excavation activities are planned

Based on the EPA’s review, the information provided meets the notification requirements under 40 CFR § 761.61(a)(3) and § 761.61(c). EPA finds that the proposed in-place disposal of PCB-contaminated soil and concrete with > 1 ppm but < 50 ppm beneath a engineered control or concrete cap should effectively prevent direct exposure of the PCBs to Site users provided these controls are maintained. EPA has determined that disposal of PCBs in this manner will not pose an unreasonable risk of injury to health or the environment. As such, EPA may approve the disposal under 40 CFR § 761.61(c).

UTC may proceed with its project in accordance with 40 CFR § 761.61(c); its Notification; and, this Approval, subject to the conditions of Attachment 1. Under this Approval, EPA is reserving its right to require additional investigation or remediation measures should EPA determine that PCBs remaining at the Site pose an unreasonable risk of injury to health or the environment. Please be aware that this Approval requires UTC to submit documentation to EPA of approval by the Connecticut Department of Energy and Environmental Protection (“CTDEEP”) to dispose of PCBs at the Site (see Attachment 1, Condition 12).

EPA encourages the compliance with greener cleanup practices for all cleanup projects, and recommends adherence to the ASTM Standard Guide to Greener Cleanups E2893-16 (“Guide”) for work conducted under this Approval and the Notification. Greener cleanups is the practice of integrating options that minimize the environmental impacts of cleanup actions in order to incorporate practices that maximize environmental and human benefit. Please see Section 6 of the Guide for the Best Management Practices (BMP) Process published May 2016 (see www.astm.org/Standards/E2893.htm for additional information). EPA encourages you to review the Guide and implement any practices that are feasible. If implemented, the PCB completion report (see Attachment 1, Condition 28) should include a section on BMP Documentation, as described in Section 6.6.5 of the Guide.

This Approval does not release the UTC from any applicable requirements of federal, state or local law, including the requirements related to cleanup and disposal of PCB-contaminated wastes and groundwater monitoring under the CTDEEP regulations.

This Approval only addresses cleanup and disposal of the *PCB remediation waste* identified in the Notification. In the event that other PCB-contaminated wastes subject to cleanup and disposal under the PCB regulations are identified, a notification to EPA will be required as well as cleanup of the PCB-contaminated wastes in accordance with 40 CFR Part 761 (see Attachment 1, Condition 1).

Please direct questions and correspondence regarding this Approval to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

EPA shall consider this project complete only when it has received documents evidencing construction of the physical controls, as applicable, and adoption of the deed restriction. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bryan Olson for", is written over the printed name.

Bryan Olson, Director
Office of Site Remediation & Restoration

cc: Tom Salimeno, Loureiro
Gary Trombly, CTDEEP
Maurice Hamel, CTDEEP
Jing Chen, CTDEEP
File

Attachment 1- Approval Conditions

ATTACHMENT 1

**PCB RISK-BASED DISPOSAL APPROVAL CONDITIONS
PRATT & WHITNEY
FORMER BUILDING 270 ("the Site")
AIRCRAFT ROAD
MIDDLETOWN, CONNECTICUT**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to *PCB remediation waste* located at the Site as identified in the Notification², specifically that area of the property located within the former Building 270 footprint area.
 - a. In the event that United Technologies Corporation ("UTC") identifies other PCB-contaminated wastes subject to cleanup and disposal under the PCB regulations, UTC will be required to notify EPA and clean up the PCB-contaminated wastes in accordance with 40 CFR Part 761.
 - b. UTC may submit a separate plan to address the PCB contamination or may modify the Notification to incorporate cleanup of the PCBs under this Approval in accordance with Condition 21.
 - c. This Approval is contingent upon UTC receiving approval from the Connecticut Department of Energy and Environmental Protection ("CTDEEP") to leave PCB-contaminated wastes with greater than (">") 1 part per million ("ppm") in-place (see Conditions 12 and 13).
2. UTC shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.

² Information was submitted by Loureiro on behalf of the United Technologies Corporation to satisfy the notification requirement under 40 CFR § 761.61(a)(3). Information was provided dated April 2016 (PCB Remedial Action Work Plan for Approval under 40 CFR § 761.61(c)); August 4, 2016 (Response to EPA Comments dated May 23, 2016); August 26, 2016 (Response to EPA Comments dated August 18, 2016); and December 1, 2016 (email response to EPA comments dated December 2, 2016). These submittals will be referred to as the "Notification."

5. UTC must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, UTC shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. UTC is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time UTC has or receives information indicating that UTC or any other person has failed, or may have failed, to comply with any provision of this Approval, UTC must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by UTC are authorized to conduct the activities set forth in the Notification. UTC is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the UTC from compliance with any applicable requirements of TSCA or any other federal, state or local law; or 3) release the UTC from liability for, or otherwise resolve, any violations of TSCA or other federal, state or local law.
9. Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirement in 40 CFR § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761 Subpart D.

NOTIFICATION AND CERTIFICATION CONDITIONS

10. This Approval may be revoked if the EPA does not receive written notification from UTC of its acceptance of the conditions of this Approval within 10 business days of receipt.
11. UTC shall submit the following information to EPA:
 - a. a certification signed by its selected contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
 - b. a contractor work plan detailing the specific methods for air monitoring, and removal, decontamination, storage, and disposal of PCB-containing wastes. UTC and its contractor shall incorporate any changes EPA deems necessary to comply with the conditions of this Approval and the PCB Regulations at 40 CFR Part 761; and,

- c. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical methods and quality assurance requirements specified in the Notification and in this Approval.
12. UTC shall submit documentation of the CTDEEP approval to leave in-place (i.e., dispose of) PCB-contaminated wastes with > 1 ppm to EPA within three (3) business days of receipt of such documentation.

CLEANUP AND DISPOSAL CONDITIONS

13. The cleanup level for *PCB remediation waste* (i.e., soil and concrete) remaining at the Site shall be less than or equal to (" \leq ") 50 parts per million ("ppm") as described in the Notification. In the event UTC does not receive approval from CTDEEP to leave in-place (i.e., dispose of) *PCB remediation waste*, UTC shall notify EPA and shall submit to EPA its proposed plan to remove and dispose of the PCB-contaminated wastes to meet both federal and state requirements (see Condition 21).
14. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with § 761.40; stored in a manner prescribed in § 761.65; and, disposed of in accordance with 40 CFR § 761.61(a)(5), unless otherwise specified below:
 - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

DEED RESTRICTION AND USE CONDITIONS

15. Within sixty (60) days of completing the activities described in the Notification and authorized in the Approval, UTC shall submit for EPA review and approval, a draft deed restriction for the Site. The deed restriction shall include: a description of the extent and levels of contamination at the Site following abatement; a description of the actions taken at the Site; a description of the use restrictions for the Site; and the long-term monitoring and maintenance requirements on the Site, which may be satisfied by the monitoring and maintenance plan (see Condition 19). UTC shall record the deed restriction within fourteen (14) days of EPA approval/concurrence on the draft deed restriction. In the

event that the deed restriction is in the form of an Environmental Land Use Restriction ("ELUR"), within fourteen (14) days of receipt of the CTDEEP's approval of the ELUR, UTC shall record the deed restriction. A copy of this Approval shall be attached to the deed restriction. A copy of the recorded deed restriction shall be submitted to EPA within seven (7) days of the recording day.

16. UTC shall notify the EPA of the sale, lease or transfer of any real estate interest in the Site that has an effect of allocating or sharing any responsibility for complying with this Approval to or with a different person. Such notice shall be in writing no later than sixty (60) days prior to such action. This notification shall include the name, address, and telephone number of the new entity acquiring such an interest in the Site. In the event that UTC sells, leases or transfers such real estate interest, UTC shall continue to be bound by all the terms and conditions of this Approval, unless EPA approves the allocation of some or all of this Approval's responsibilities to the new owner(s), lessee or transferee. The notification procedures are as follows:
 - a. The new owner(s), lessee or transferee must request, in writing, that the EPA allocate some or all obligations and responsibilities under the Approval to the new owner(s), lessee or transferee;
 - b. The EPA reviews the request, and determines whether to allocate some or all of the obligations and responsibilities under the Approval to the new owner(s), lessee, or transferee; and,
 - c. The new owner(s), lessee or transferee provides written notification to the EPA of its acceptance of and intention to comply with the terms and conditions of the Approval or new approval, should EPA deem a new approval is necessary. The Approval or new approval may be withdrawn if the EPA does not receive written notification from the new owner(s), lessee or transferee of its acceptance of, and intention to comply with, the terms and conditions of the Approval or new approval within thirty (30) days of its receipt of the Approval or the new approval. Under such circumstances, all terms and conditions of this Approval will continue to be binding on UTC.
17. In the event that the sale, lease or transfer of a real estate interest in the Site will involve or result in a change in the use of the Site, EPA may revoke, suspend, and/or modify this Approval or the new approval if it finds, due to the change in use, that this PCB risk-based disposal action will not be protective of health or the environment. The owner shall record any amendment to the deed restriction, resulting from any approved modification(s), within sixty (60) days of such change(s).
18. In any sale, lease or transfer of a real estate interest in the Site, UTC shall retain sufficient access rights to enable it to continue to meet its obligations under this Approval for maintenance and monitoring of the surface covers, except as provided above.

INSPECTION, MONITORING, MODIFICATION AND REVOCATION CONDITIONS

19. Within 30 days of completion of work authorized under this Approval, UTC shall submit for EPA's review and approval, a detailed long-term monitoring and maintenance plan ("MMP") for the surface covers, which includes the soil and concrete covers. UTC shall incorporate any changes to the MMP required by EPA.
 - a. The MMP shall include: a description of the activities that will be conducted, including inspection criteria, frequency, and routine maintenance activities; sampling protocols, sampling frequency, and analytical criteria; and reporting requirements.
 - b. The MMP shall include a communications component which details how the maintenance and monitoring results will be communicated to interested stakeholders.
 - c. The MMP also shall include a worker training component for maintenance workers or for any person that will be conducting work that could impact the surface covers.
 - d. UTC shall submit the results of the long-term monitoring and maintenance activities to EPA. Based on its review of the results, EPA may determine that modification to the MMP is necessary in order to maintain, monitor and/or evaluate the effectiveness of the surface covers.
 - e. Activities required under the MMP shall be conducted until such time that EPA determines, in writing, that such activities are no longer necessary.
20. UTC shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by UTC to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
21. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
22. If a modification involves a change in the use of the Site which results in exposures not considered in the Notification, the EPA may revoke, suspend, and/or modify this Approval upon finding that this risk-based disposal action may pose an unreasonable risk of injury to health or the environment due to the change in use. EPA may take similar action if the EPA does not receive requested information needed from UTC to make a determination regarding potential risk.

23. UTC shall record any amendment to the deed restriction, resulting from any approved change or modification(s), within sixty (60) days of such change(s). (See Condition 15).
24. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
25. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
26. Approval for these activities may be revoked, modified or otherwise altered if: EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; EPA finds that these activities pose an unreasonable risk of injury to health or the environment; EPA finds that there is migration of PCBs from the Site; or, EPA finds that changes are necessary to comply with new rules, standards, or guidance for such approvals. UTC may apply for appropriate modifications in the event new rules, standards, or guidance come into effect.

RECORDKEEPING AND REPORTING CONDITIONS

27. UTC shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the cleanup and the analytical sampling shall be established and maintained by the UTC in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA. A copy of all documents shall be provided to UTC.
28. UTC shall submit a final report ("Report") as both a hard copy and electronic version (e.g., CD-ROM), to the EPA within 90 days of completion of the activities authorized under this Approval and shall submit the same to UTC. At a minimum, this final report shall include: a short narrative of the project activities with photographic documentation and Greener Cleanups BMP documentation, if implemented; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of; copies of manifests and bills of lading; copies of certificates of disposal or similar certifications issued by the disposer; and the estimated cost of the PCB risk-based disposal work authorized under this Approval. The Report shall also include a certification signed by a UTC official verifying that the authorized activities have been implemented in accordance with this Approval and the Notification.

29. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

30. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1